

**CORRESPONDENCE
IN LIEU OF
DIRECTORS' MEETING
MONDAY, AUGUST 30, 2004**

I. MAYOR - NONE

II. CITY CLERK - NONE

III. CORRESPONDENCE

A. COUNCIL REQUESTS/CORRESPONDENCE

TERRY WERNER

1. OUTSTANDING Request to **Vince Mejer, Purchasing Agent** - RE: Notice to Bidders #04-110 – Television Equipment (RFI#132 - 6/16/04).
2. OUTSTANDING Request to **Allan Abbott, Public Works & Utilities Director** - RE: Dredging of Williamsburg Lake (RFI#135 - 8/11/04).

GLENN FRIENDT

1. OUTSTANDING Request to ~~Don Herz, Finance~~ /**Dana Roper, Law** - RE: Constituent inquiry regarding the bond issue (RFI#37 - 8/12/04). — **1.) SEE RESPONSE FROM DON HERZ, FINANCE DIRECTOR RECEIVED ON RFI#37 - 8/19/04.**
2. OUTSTANDING Request to ~~Public Works /Law /Urban Development~~ - RE: Alley improvements (RFI#38 - 8/16/04). — **1.) SEE RESPONSE FROM DENNIS BARTELS, PUBLIC WORKS & UTILITIES DEPARTMENT RECEIVED ON RFI#38 - 8/23/04.— 2.) SEE RESPONSE FROM JEFF COLE, URBAN DEVELOPMENT DEPARTMENT RECEIVED ON RFI#38 - 8/26/04.**

3. **OUTSTANDING Request to Allan Abbott, Public Works & Utilities Director/Marvin Krout, Planning Director - RE: Williamsburg Lake Dredging (RFI#39 - 8/17/04).**

ANNETTE McROY

1. Request to ~~Dennis Bartels, Public Works & Utilities Department~~ - RE: Request-Gap Paving (RFI#153 - 8/12/04). — **1.) SEE RESPONSE FROM ELMER COLE, PUBLIC WORKS & UTILITIES DEPARTMENT RECEIVED ON RFI#153 - 8/23/04.**

JONATHAN COOK

1. **OUTSTANDING Request to Harry Kroos, Public Works & Utilities Department - RE: Sidewalks (RFI#117 - 8/17/04).**

B. DIRECTORS AND DEPARTMENT HEADS

FINANCE

- *1. Letter from Mark Leikam, City of Lincoln Keno Auditor - RE: City of Lincoln's level of keno activity - (See Letter)

PARKS & RECREATION DEPARTMENT

- *1. **NEWS RELEASE - RE: Woods Pool To Remain Open Two More Weekends - Cool, wet weather lowers season attendance figures - (See Release)**

PLANNING

PLANNING COMMISSION FINAL ACTION

- *1. Special Permit No. 04034 (Health Care Facility - South 27th Street and Tamarin Ridge Road) Resolution No. PC-00885.

PUBLIC WORKS & UTILITIES DEPARTMENT

- *1. Response Letter from Allan Abbott to Deborah Cole; and Samuel Wineberg - RE: In response to your formal complaint letter dated June 21, 2004 - 4th Street Trunk Sewer Construction Project Progress Meeting - (See Letter)
- *2. E-Mail from Steve Masters forwarded by Nicole Fleck-Tooze to City Council Members - RE: Service leak near 22nd & R Streets - (See E-Mail)

REAL ESTATE DIVISION

- *1. InterOffice Memo from Clinton W. Thomas - RE: Street & Alley Vacation No. 4008 -21st Street between Y Street and the abandoned MoPac RR right-of-way - (See Memo)

C. MISCELLANEOUS

- *1. E-Mail from Jason Faulkner - RE: Repeal Patriot Act -(See E-Mail)
- *2. Faxed Material from Mary Rauner - RE: Object statement: To Repeal Lincoln City Ordinance Number 04-123, Also known as Lincoln Smoking Regulation Act, And Return The Law To How It Existed On June 1st, 2004 - (See Material)
- *3. E-Mail from Stephen H. Johnson - RE: 48th & "O" Street Project - (See E-Mail)
- *4. E-Mail from Jim Chambers, Senior Vice President-Financial Consultant RBC Dain Rauscher - RE: 48th & "O" Street Project - (See E-Mail)
- *5. E-Mail from William & Cheryl Ross - RE: Special Permit No. 04035 - development of the Andrea's Court Community Unit Plan - (See E-Mail)

IV. DIRECTORS

V. CITY COUNCIL MEMBERS

VI. ADJOURNMENT

***HELD OVER UNTIL SEPTEMBER 13, 2004.**

da083004/tjg

Public Works/Law/Urban
Referred to: Development

REQUEST FOR INFORMATION
COUNCIL OFFICE

4080186

By: Glenn Friendt - #38
(Council Member)

August 16, 2004
Date

REQUEST: RE: Alley improvements

Would you please respond to the attached Memo and send me a copy of the response. Please
respond to Glenn. Thanks.

-Glenn Friendt

cc: Lin Quenzer - Ombudsman, Mayor's Office
Bus Whitehead

Mayor's Office

RESPONSE (Indicate action taken):

By:

Dennis Bartels

Date

8-20-04

See Attached Letter

RECEIVED
AUG 23 2004
CITY COUNCIL
OFFICE

COMMENTS:

PLEASE RESPOND WITH 15 COPIES to the Council Office/tjc



CITY COUNCIL OF LINCOLN NEBRASKA

555 South 10th Street • Lincoln, NE 68508 • 402-441-7515

FAX: 402-441-6533 • E-MAIL: council@ci.lincoln.ne.us

GLENN FRIENDT
City Council Member At Large

RFI #38

DATE: August 16, 2004

FROM: Glenn Friendt

TO: Public Works
Law
Urban Development

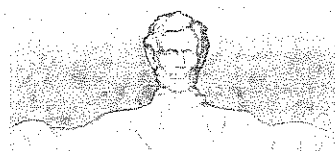
RE: RFI / alley improvements

Please indicate what options are available to refurbish and provide improvements to the alley between Lincoln Mall and H Street from 10 to 11th. Indicate what funds might be available from CDBG or other sources and of any options that might be available to private property owners abutting the alley to make improvements that would include paying at their expense.

Thank you.

CC: Lin Quenzer
Bus Whitehead

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AUG 16 2004
CITY COUNCIL
OFFICE



CITY OF LINCOLN NEBRASKA

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

Engineering Services
Public Works and Utilities Department

Allan Abbott, Director

531 Westgate Blvd.

Suite 100

Lincoln, Nebraska 68528

402-441-7711

fax: 402-441-6576

August 20, 2004

Whitehead Oil Company
Attn: Bus Whitehead
2537 Randolph Street
Lincoln, NE 68510

Dear Mr. Whitehead:

I have been asked to respond to your question about paving the alley between Lincoln Mall and "H" Street between 10th and 11th. This public alley may be repaved under City authority by 2 different methods. The Mayor can, at your request, approve the construction under authority of an executive order. The request is made by letter to Engineering Services. You would be required to agree to pay for the cost of this construction and associated City Engineering charges. You would need to hire a consulting engineer to design the construction plans and have them approved by Engineering Services prior to construction.

The alley can also be paved under authority of an alley repaving district. This involves requesting in writing that the City Council create the district and meet requirements to order it constructed. If ordered constructed the City Council, the plans and construction documents would be prepared by Engineering Services, bid and constructed. The cost of the district would then be assessed to the benefitted property.

Public Works would not recommend subsidizing the cost of this construction with Public Works street construction funds under either procedure. The Urban Development Department is preparing separate response concerning whether CDBG funds or other potential subsidy funding sources may be available.

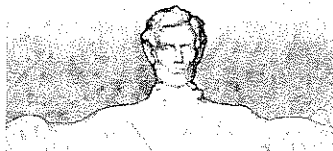
Please contact me at 441-7595 if you have further questions concerning the executive order or assessment district process to construct the paving.

Sincerely,

Dennis Bartels
Engineering Services

cc: City Council
Mayor Coleen J. Seng
Allan Abbott
Roger Figard
Karl Fredrickson
Randy Hoskins
Dallas McGee

RFI 38 Resp Ltr tdq.wpd



CITY OF LINCOLN NEBRASKA

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

Urban Development Department
Marc Wulschleger, Director
Haymarket Square
808 "P" Street
Suite 400
Lincoln, Nebraska 68508
402-441-7606
fax: 402-441-8711

August 24, 2004

To: Glenn Friendt
From: Jeff Cole, Program Specialist
RE: RFI # 38 concerning alley improvements on Lincoln Mall

In my capacity as project coordinator for the Lincoln Mall Streetscape project, I was asked to respond to your RFI concerning options available to refurbish and provide improvements to the alley between Lincoln Mall and H Street from 10th to 11th. Dennis Bartles from Public Works has provided a response addressing the options that are available to private property owners. I will limit my answer to two financing tools that the Urban Development Department uses to fund streetscape projects: CDBG and Tax Increment Financing.

As indicated in a March 25th letter to Mr. Whitehead, we have a policy against using Tax Increment Financing for alley improvements except in cases where those improvements are included in a redevelopment agreement between the City and a private developer. Except in unusual cases where the quality of the alley directly impacts adjacent buildings in a target area, we have a similar policy against using CDBG funds for paving alleys. These policies were put in place because of the inability of these funding sources both to address poor quality alleys and to promote the redevelopment activities that they are intended to support.

Please contact me at 441-7866 if you have any additional questions concerning the use of TIF or CDBG funds for alley improvements.

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AUG 26 2004
CITY COUNCIL
OFFICE

Referred to: _____

REQUEST FOR INFORMATION
COUNCIL OFFICE

4080168

By: Annette McRoy - #153
(Council Member)August 12, 2004
DateREQUEST: RE: Request -Gap Paving

Would you please respond to the attached Letter and send me a copy of the response. What are the paving options for this area? Respond to Kim & Gary Deubelbeiss with copy to Annette.

Thanks.

-Annette McRoy

cc: Kim & Gary Deubelbeiss

200 W. Benton Street (24) -FOR YOUR INFORMATION - COPY OF REQUEST SENT
BY COUNCIL MEMBER, NO RESPONSE REQUIRED FROM YOU

Mayor's Office

RESPONSE (Indicate action taken):

By: Elmer Cole8-20-04
Date

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AUG 23 2004
CITY COUNCIL
OFFICE

COMMENTS:

PLEASE RESPOND WITH 15 COPIES to the Council Office. jg

July 4, 2004

Attn: Annette McRoy
City of Lincoln Council Office
555 S. 10th Street
Lincoln, NE 68508

RECEIVED
AUG 12 2004
CITY COUNCIL
OFFICE

RECEIVED
JUL 08 2004
CITY COUNCIL
OFFICE

Reference: Gap Paving

Dear Annette,

This is a request that the City of Lincoln pave the rock road from the intersection of North 1st Street and West Benton Street westward to the West end of our loop driveway located at 200 West Benton Street.

Previously West Benton Street was a dead end. During the Summer-Fall of 2003 it opened up to a through street and was paved from the West end of our driveway to 300 West Benton Street. This road was paved so the owners of the vacant ground could sell lots and build new homes.

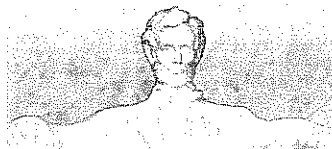
Our complaint along with our neighbors is that the traffic has increased dramatically. The City has still never posted a speed limit sign. My estimate is that some drivers go down our road at times exceeding 40 mph. We do have small children that live next door to us making it a dangerous situation. When it's dry out, it makes for an unbelievable amount of dust. And of course since it is a rock road, when people speed on it, rocks literally fly into our yard.

It is also a mess every time it rains or snows as the rock constantly shifts and has not been adequately maintained. The road grade was raised approximately 2 ½ - 3 feet in front of our house and westward, so a lot of the rock that originally was put on it has just sank. Our yard naturally has a gradual slope downward to the North. Since the City raised the street this high and had to build (steepen) our West end of our driveway up so we could drive out, every time it rains the water that runs from the street into and through our yard is like a small river. This is another reason the street needs paved so that adequate sewer drainage can be installed. We have had a problem with water coming in our East basement window anytime we have a "good" rain.

Please advise if the City would be able to accomplish this task in the very near future.

Thanks and Best Regards,

Kim and Gary Deubelbeiss
200 W. Benton Street
Lincoln, NE 68524
Tel: 402-474-9850
Cel: 402-730-6501



CITY OF LINCOLN NEBRASKA

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

Engineering Services
Public Works and Utilities Department
Allan Abbott, Director
531 Westgate Blvd.
Suite 100
Lincoln, Nebraska 68528
402-441-7711
fax: 402-441-6576

August 20, 2004

Kim and Gary Deubelbeiss
200 West Benton Street
Lincoln, NE 68524

RE: Response to Letter Requesting Paving of West Benton from 1st Street West

Dear Kim and Gary Deubelbeiss:

Your letter addressed to Annette McRoy dated July 4, 2004 has been passed on to me for response. If your letter you have addressed concerns with the non-paved area of West Benton from North 1st Street to the west. You have mentioned the dust and rock problems along with the speed of vehicles and the storm water drainage problems. As with most requests for paving, these concerns are valid and show reason for paving. We in Public Works have received an informal petition from you and your neighbors requesting this area to be paved for the reasons given. I would mention at this time that request has been followed up on and is currently waiting for public hearing in September of this year. Public Works has calculated the direct frontage for this district. The method used for estimation of cost per property is "per front foot." After reviewing the total estimated frontage, I have found the majority of frontage to be on the mobile home court abutting the south side of the paving.

Since this district will come before City Council in September and Public Works does not know in advance if the mobile home court would be in favor of this district, this district may not have the majority of frontage signing of the formal petitions if the mobile home court is against the proposed paving. If that would be the case, then this district would not gain the necessary majority for paving through the paving district process.

Since West Benton Street has been paved from Morgan Street to the east approximately 465 feet +/- and the intersection of North 1st is paved, the remaining non-paved area between would qualify for the "GAP" paving rule. The City Council has the authority to force construction of this paving using this rule. However, as part of the policy and procedures requested by the City Council, any request for paving or re-paving of a street within the City Limits received by Public Works is forwarded to the City Council as a paving district. The "GAP" paving would require a separate resolution and could be forwarded to the City Council if they so request.

Again, at this time this paving district request will be scheduled in September and most likely will be the 27th for the City Council evening meeting. At which time, all those benefitted property owners will receive written notice of this meeting to voice any concerns with the proposed paving.

Page 2

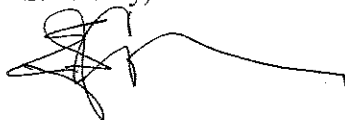
Kim and Gary Deubelbeiss

August 20, 2004

Public Works will have the estimated costs and any correspondence received available for this meeting. Public Works will also be able to address any concerns the City Council may have with the direct frontage and the majority needed.

If you should have further questions or concerns, I can be reached at 441-7581 or by e-mail at ecole@lincoln.ne.gov.

Sincerely,

A handwritten signature in black ink, appearing to be 'Elmer Cole', with a long horizontal flourish extending to the right.

Elmer Cole

Senior Engineering Specialist

cc: Mayor Coleen J. Seng
Annette McRoy
City Council
Allan Abbott
Roger Figard
Randy Hoskins
Nicole Fleck-Tooze
Dennis Bartels
File



MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

City Controller's Office
Finance Department
Don Herz, Director
555 South 10th Street
Suite 103
Lincoln, Nebraska 68508
402-441-7421
fax: 402-441-8325

The Honorable Mayor
And Members of the City Council
Lincoln, Nebraska

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CITY COUNCIL
OFFICE

I have performed the procedures as required by Revenue Ruling 35-96-3 published by the Nebraska Department of Revenue, Charitable Gaming Division, which were agreed to by the City of Lincoln and the Nebraska Department of Revenue, solely to assist the specified users in evaluating the City of Lincoln's compliance with the Nebraska County and City Lottery Act and County and City Lottery Regulations during the quarter ended June 30, 2004. The sufficiency of these procedures is solely the responsibility of the specified users of the report.

Sample sizes exceeded the minimum required and additional procedures were performed as determined necessary by the City of Lincoln's level of keno activity and are summarized as follows:

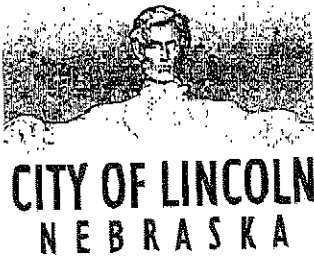
<u>Audit Procedure</u>	<u>Sample</u>	<u>Required</u>
• Review videotapes of ball draws.	150 games	15 games
• Review winning tickets of \$1,500 and over.	100% (70 tickets)	100% (up to 23)
• Review paid tickets	200 tickets	23 tickets
• Review void tickets.	100 tickets	23 tickets
• Trace paid tickets to the transaction log.	50 tickets	23 tickets
• Verify the accuracy of the transaction log.	3 days	1 shift
• Recalculate the prize reserve balance and reconcile to prize bank accounts.	Monthly	Not required
• Verify that lottery worker applications have been filed with the State for all employees performing work directly related to the conduct of the lottery.	100%	Not required

During the performance of the required procedures and additional testing noted above, no findings were noted.

This report is intended solely for the information and use of officials of the City of Lincoln, the management of Lincoln's Big Red Lottery Services Ltd. and the Nebraska Department of Revenue and is not intended to be and should not be used by anyone other than these specified parties.

Mark Leikam

Mark Leikam
City of Lincoln Keno Auditor
August 23, 2004



NEWS RELEASE

MAYOR COLEEN J. SENG

lincoln.ne.gov

PARKS AND RECREATION DEPARTMENT
2740 "A" Street, Lincoln, NE 68502, 441-7847, fax 441-8706

FOR IMMEDIATE RELEASE: August 26, 2004

FOR MORE INFORMATION: Lynn Johnson, Parks and Recreation Director, 441-8265
Holly Lewis, Asst. Recreation Manager, 441-7960

WOODS POOL TO REMAIN OPEN TWO MORE WEEKENDS *Cool, wet weather lowers season attendance figures*

The Woods Swimming Pool, 3200 "J" Street, will be open for public swimming for two more weekends. The pool will be open from 1 to 5 p.m. August 28 and 29 and on Labor Day weekend, September 4 through 6. The City's regular pool hours ended August 22 to coincide with the beginning of school.

The University of Nebraska Women's Swimming Team will continue to use the Woods Pool for practice from 6 to 7:30 a.m. some weekdays as long as the weather allows.

The Lincoln Parks and Recreation Department also released statistics for this summer showing attendance at 213,626, a 17-percent drop in attendance from last year. The pools also lost 17 percent of their operating hours, mostly due to the weather. In 2003, the pools lost only 6.9 percent of their operating hours.

"All of our pools combined lost 950 hours of operation this summer," said Parks and Recreation Director Lynn Johnson. "The cool, wet summer accounted for 925 of those hours of lost operation while mechanical problems accounted for 20 hours and water quality issues for five hours."


Pool attendance peaked the week of July 12 through 18 and reached a low point the week of August 9 through 15.

- 30 -

RECEIVED
AUG 26 2004
CITY COUNCIL
OFFICE

**PLANNING COMMISSION FINAL ACTION
NOTIFICATION**

TO : Mayor Coleen Seng
Lincoln City Council

FROM : Jean Walker, Planning 

DATE : August 20, 2004

RE : **Special Permit No. 04034**
(Health Care Facility - South 27th Street and Tamarin Ridge Road)
Resolution No. PC-00885

RECEIVED
AUG 23 2004
CITY COUNCIL
OFFICE

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, August 18, 2004:

Motion made by Taylor, seconded by Pearson, to approve **Special Permit No. 04034**, with conditions, as revised, requested by BryanLGH Medical Center, for authority to construct a 100,000 sq. ft. health care facility, on property generally located southwest of the intersection of South 27th Street and Tamarin Ridge Road. Motion for approval, with conditions, as revised, carried 8-0: Carroll, Sunderman, Carlson, Taylor, Marvin, Pearson, Krieser and Bills-Strand voting 'yes'; Larson absent.

The Planning Commission's action is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

Attachment

cc: Building & Safety
Rick Peo, City Attorney
Public Works
BryanLGH Medical Center, 1600 S. 48th Street, 68506
Elisa Davies, Growth & Welch, 2120 S. 72nd Street, Omaha, NE 68124
Brian D. Carstens & Associates, 601 Old Cheney Road, Suite C, 68512

RESOLUTION NO. PC- 00885

SPECIAL PERMIT NO. 04034

1 WHEREAS, Bryan LGH Medical Center has submitted an application
2 designated as Special Permit No. 04034 for authority to construct a 100,000 sq. ft.
3 health care facility on property located southwest of the intersection of South 27th
4 Street and Tamarin Ridge Road, and legally described to wit:

5 Lot 1, Block 2, Tamarin Ridge Addition, Lincoln, Lancaster
6 County, Nebraska;

7 WHEREAS, the Lincoln City-Lancaster County Planning Commission has
8 held a public hearing on said application; and

9 WHEREAS, the community as a whole, the surrounding neighborhood,
10 and the real property adjacent to the area included within the site plan for this health
11 care facility will not be adversely affected by granting such a permit; and

12 WHEREAS, said site plan together with the terms and conditions
13 hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln
14 and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the
15 public health, safety, and general welfare.

16 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster
17 County Planning Commission of Lincoln, Nebraska:

1 That the application of Bryan LGH Medical Center, hereinafter referred to
2 as "Permittee", to construct a 100,000 sq. ft. health care facility be and the same is
3 hereby granted under the provisions of Section 27.63.080 the Lincoln Municipal Code
4 upon condition that construction of said health care facility be in strict compliance with
5 said application, the site plan, and the following additional express terms, conditions,
6 and requirements:

7 1. This permit approves a 100,000 sq. ft. health care facility.

8 2. Before receiving building permits:

9 a. The Permittee must complete the following instruction and
10 submit five copies of the revised plans to the Planning
11 Department for review and approval

12 i. Provide floor area/parking calculations and a parking
13 lot layout in conformance with LMC Chapter 27.67.

14 ii. Consolidate the three easternmost driveways into one
15 and align it with the access easement to the north
16 that extends across the O-3 site, and move the
17 westernmost drive as far east as sight distance
18 allows.

19 iii. Show the setbacks from the building to property lines.

20 iv. Note #6 added to Health Care Facility General Notes
21 stating that "LANDSCAPING AND SCREENING
22 SHALL BE REVIEWED AT TIME OF BUILDING
23 PERMITS. LANDSCAPING AND SCREENING

1 SHALL CONSIST OF COMPARABLE LANDSCAPE
2 MATERIALS IN QUANTITIES GENERALLY
3 EQUIVALENT TO THOSE SHOWN ON THE
4 APPROVED PLAN AND IN CONFORMANCE WITH
5 DESIGN STANDARDS. IN NO EVENT SHALL
6 PERIMETER LANDSCAPING BE LESS THAN THAT
7 REQUIRED BY SECTION 7.3 OF THE DESIGN
8 STANDARDS FOR CUP'S AND OTHER MULTIPLE
9 FAMILY DWELLINGS APPROVED BY SPECIAL
10 PERMIT AND PUD."

11 v. If the "Future Expansion" is included in the 100,000
12 square feet of floor area, label the immediate
13 construction as Phase I, and the later construction as
14 Phase II.

15 vi. Development of Phase II shall be by administrative
16 amendment, subject to any additional required off-
17 street parking being provided in compliance with LMC
18 Chapter 27.67.

19 b. Any on-site detention will require calculations in accordance
20 with the Drainage Criteria Manual and approved by Public
21 Works.

- c. Provide written approval from LES that the grading plan showing 16' of fill near the southeast corner of the building is acceptable.
- d. An administrative amendment has been approved to SP #1988, SP #1989, and to UP #147 to limit the uses to total of 1,190 p.m. peak hour trips.
- e. The construction plans must conform to the approved plans.
- f. The operation and the premises must meet appropriate local and state licensing requirements, including compliance with health codes.

3. Before occupying this health care facility all development and construction must conform to the approved plans.

4. All privately-owned improvements, including landscaping, must be permanently maintained by the Permittee.

5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee and the Permittee's successors and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided,

1 however, said 30-day period may be extended up to six months by administrative
2 amendment. The City Clerk shall file a copy of the resolution approving the special
3 permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be
4 paid in advance by the Permittee.

5 8. The site plan as approved with this resolution voids and
6 supersedes all previously approved site plans, however all resolutions approving
7 previous permits remain in force unless specifically amended by this resolution.

8 The foregoing Resolution was approved by the Lincoln City-Lancaster
9 County Planning Commission on this 18 day of August, 2004.

ATTEST:

/S/ Original signed by
Mary F. Bills-Strand

Chair

Approved as to Form & Legality:



Chief Assistant City Attorney



CITY OF LINCOLN
NEBRASKA

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

Public Works and Utilities Department

Allan Abbott, Director

555 South 10th Street

Suite 203

Lincoln, Nebraska 68508

402-441-7548

fax: 402-441-8609

August 19, 2004

Deborah Cole
Samuel Wineberg
P.O. Box 84245
Lincoln, NE 68501-4245

RECEIVED

AUG 20 2004

CITY COUNCIL
OFFICE

This is in response to your formal complaint letter dated June 21, 2004. Thank you for attending the 4th Street Trunk Sewer Construction Project Progress Meeting held on July 27, 2004. Your participation and questions helped to facilitate a meaningful dialogue between the City and neighborhood residents.

As discussed at the meeting this project is not complete nor will it be until the final completion date of December 15, 2004. The items listed in your formal complaint letter are addressed as follows:

1. Left over supplies and materials

Will be removed prior to project completion.

2. Trash (paper & other)

Will be removed prior to project completion.

3. Wood debris mixed in dirt

Will be removed if in non-compliance with specifications.

4. Pieces of concrete in dirt

Will be removed if in non-compliance with specifications.

5. Wood debris - old railroad ties & boards

Will be removed prior to project completion.

6. Standing water

Site will be graded to drain.

7. Covered or inoperative drainage ditches

Site will be graded to drain.

8. Mounds of construction dirt

Will be removed prior to project completion.

9. East & West side of street not returned to prior condition

a. Not leveled

b. No rock base

c. No rock road bed

d. No grading for water runoff

A new, single, two-way gravel road, on the proposed future alignment, will be constructed. The old roadway will be graded and seeded.

LINCOLN

The Community of Opportunity

10. Damaged vehicular and pedestrian entry to private homes for:

- a. 346 D Street
- b. 1001 S 4th Street
- c. 404 E Street
- d. 401 F Street
- e. others

All issues of damage have been brought to the attention of the on-site representative, Randy Moses, with Olsson or Mike Mandery with Lincoln Wastewater. If the issue is not resolved satisfactorily, then a damage claim form can be filled out at the City Attorney's Office.

11. Alley entry points not returned to rocked condition as prior to construction

Will be restored to pre-project condition.

12. Center of street not leveled equal to prior construction condition

A new, single, two-way gravel road, on the proposed future alignment will be constructed. The old roadway will be graded and seeded.

13. No dust control for all of 4th Street including roadway and center median area

A new, single, two-way gravel road, on the proposed future alignment will be constructed. The old roadway will be graded and seeded.

14. Paved street intersections not paved (B, C, D, E, F, G, H, J Streets)

Street intersections are currently being evaluated for timing and construction materials as they relate to the phasing of the future corridor project.

15. Sidewalks not installed across 4th Street (B, C, D, E, F, G Streets) - ADA Compliant

Cross sidewalks are currently being evaluated for timing and construction materials as they relate to the phasing of the future corridor project.

16. Wellheads not securely capped to prevent children from removing tops and falling in

Well heads have been secured.

17. Pre-existing sidewalks cleaned and/or replaced along 4th Street

Will be restored to pre-project condition.

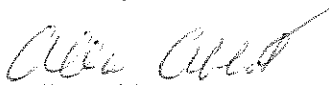
18. C, D, E & F Streets cleaned (from curb to curb) from 6th Street to 3rd Street

Will be restored to pre-project condition.

19. **Streets repaired where asphalt was damaged on any paved street at no cost to home owners or city**
Will be restored to pre-project condition.
20. **5th Street from F to D Streets to be re-rocked and brought to pre-construction condition**
City Maintenance staff will evaluate and carry out any maintenance activities deemed necessary.
21. **All "gutter buddies" to be removed from the streets and private yards**
Will be removed prior to project completion.
22. **All of 4th Street (at every intersection) to be barricaded on both sides until street is returned to safe, drivable condition like it was prior to construction with "local access only" signs for those needing to gain entrance to their homes or garage**
Signs will be placed as current constructions activities require.
23. **Rocked entry to garages from paved streets until street is installed**
A new, single, two-way gravel road, on the proposed future alignment will be constructed. The old roadway will be graded and seeded.
24. **All damage to utilities and homes to be repaired as it was before they damaged them**
Will be restored to pre-project condition.
25. **All sanitary and storm sewers must be inspected and any damage repaired**
Will be restored to pre-project condition.
26. **All utilities must be inspected and repaired (gas, electric, phone, cable, water)**
Will be restored to pre-project condition.

This is the final response you will receive regarding your complaint letters.

Sincerely,



Allan Abbott
Director of Public Works/Utilities

cc: Mayor Seng
City Council
Tonya Skinner, Law
Gary Brandt, Brian Kramer, Wastewater



Nicole Tooze

08/25/04 03:15 PM

To: Tammy J Grammer/Notes@Notes
cc:
Subject: Re: Service leak near 22nd & R Sts.

thanks Tammy!
Tammy J Grammer

Tammy J Grammer
08/25/2004 03:10 PM

To: Nicole Tooze/Notes@Notes
cc:
Subject: Re: Service leak near 22nd & R Sts.

Nicole,

I will forward it to Council and put a hard copy in their packets. Thanks.

Tammy
Nicole Tooze



Nicole Tooze

08/25/04 03:07 PM

To: City Council Members
cc: City Council Staff, Allan L Abbott/Notes@Notes, Steve Masters/Notes@Notes, Steve R Owen/Notes@Notes, Jerry Obrist/Notes@Notes, Karen K Sieckmeyer/Notes@Notes, Ann Harrell/Notes@Notes
Subject: Service leak near 22nd & R Sts.

Please see the update below from Steve Masters regarding the water leak near 22nd and 'R' Streets. It appears the water in the street at this location is primarily due to a leak in the private portion of the service line, the cost of which is the responsibility of the private property owner.

----- Forwarded by Nicole Tooze/Notes on 08/25/2004 02:59 PM -----



Steve Masters

08/25/2004 12:40 PM

To: Nicole Tooze/Notes@Notes
cc:
Subject: Service leak near 22nd & R Sts.

Nicole-
As discussed, ownership of this property is in transition.

Ownership transfers to the Antelope Valley project at the end of the month. The house is currently rented and will be vacated by Labor Day. Because of the limited water loss and the ownership transfer, we will not repair the leak before the property is vacated.

The service will be abandoned at the main as soon as the current renters have vacated the house. sm

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INTEROFFICE MEMORANDUM

TO: Mayor Seng
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Real Estate Division

ATTENTION:

DATE: August 20, 2004

COPIES TO: Joan Ross
Marvin Krout
Dana Roper
Byron Blum

SUBJECT: Street & Alley Vacation No. 4008
21st Street between Y Street and the
abandoned MoPac RR right-of-way

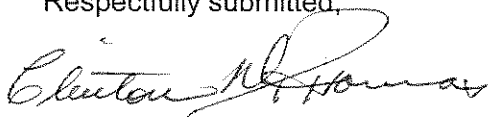
A change has been made to the requirement for the easements to be retained should this street be vacated. Planning Department has requested an easement for public access be retained over the entire area. This being the case, the area will have very little utility to anyone and its value is considered to be approximately 10% of the underlying fee value of the land.

As stated in my previous memo on this subject (dated June 29, 2004), the underlying land value is estimated at \$1.50 per square foot. The calculations for the value of the land with the retention of permanent easement for utilities and a public access easement are as follows:

$$15,000 \text{ sq. ft.} \times \$0.15/\text{sq. ft.} = \$2,250$$

It has also been reported the requirement for a \$5,000 bond to guarantee the removal of the street return and replacement with curb and gutter is to be waived. That being the case, it is recommended if the street be vacated it be sold to the abutting property owner for \$2,250.

Respectfully submitted,



Clinton W. Thomas
Certified General Appraiser #990023

dge

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AUG 23 2004
CITY COUNCIL
OFFICE



Joan V Ray

08/20/2004 09:12 AM

To: "Jason Faulkner" <jfaulkner@rovin.net>
cc: <council@ci.lincoln.ne.us>
Subject: Re: Repeal Patriot Act

Dear Mr. Faulkner: Your message has been received in the Council Office and will be forwarded to the Council Members for their consideration. Thank you for your input on this issue.

Joan V. Ray
City Council Office
555 South 10th Street
Lincoln, NE - 68508
Phone: 402-441-6866
Fax: 402-441-6533
e-mail: jray@ci.lincoln.ne.us
"Jason Faulkner" <jfaulkner@rovin.net>



"Jason Faulkner"
<jfaulkner@rovin.net>

08/19/2004 10:43 PM

Please respond to
"Jason Faulkner"

To: <council@ci.lincoln.ne.us>
cc:
Subject: Repeal Patriot Act

Dear City Council Members:

This note will be short and sweet. The "Patriot Act" has totally restructured our government. It has created a government that no longer has constraints and can violate any citizen's individual rights at will -- without oversight or accountability.

If you do not want to live in a dictatorship, then please repeal this Act.

Sincerely,
Jason Faulkner
jfaulkner@rovin.net

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AUG 20 2004
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Fax Cover Sheet

FedEx Kinko's of 1201 Q St Lincoln, NE 68508

Telephone: 402.475.2679

Fax: 402.475.2523

Date _____

Number of pages _____ (including cover page)

To:

Name Lincoln City Council

Company _____

Telephone _____

Fax 441-6533

From:

Name Mary Rauder

Company _____

Telephone 499-5069

Comments

Please distribute to City
Council Members - Thanks

RECEIVED

AUG 25 2004

CITY COUNCIL
OFFICE

Object statement: TO REPEAL LINCOLN CITY ORDINANCE NUMBER 04-123, ALSO KNOWN AS LINCOLN SMOKING REGULATION ACT, AND RETURN THE LAW TO HOW IT EXISTED ON JUNE 1st 2004.

To Joan Ross, City Clerk, members of the Lincoln City Council, and Mayor Coleen Seng;

We, the undersigned residents of the State of Nebraska and the city of Lincoln, respectfully order that city ordinance No. 04-123 entitled Lincoln's Smoking regulation act, passed by the council of the city of Lincoln, Nebraska at its June 28th, 2004, council meeting, shall be suspended from going into operation; and it shall be the duty of the council to reconsider such ordinance, and if the same be not entirely repealed by said council, then the council shall proceed to submit to the voters such ordinance at a special election to be called for that purpose or at the next general city election, to be held on the 3rd day of May, 2005, and each for himself or herself says:

I have personally signed this petition on the date opposite my name;

I am a legal and qualified voter of the city of Lincoln, Nebraska and;

My printed name, street and house number, are correctly written after my signature.

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AUG 26 2004

CITY COUNCIL
OFFICE

Date _____

Signed Name

Printed Name

Street and House Number

Nebraskans' Attitudes Toward Secondhand Smoke and Their Support for Smoking Restrictions in Public Places

Summary: Two separate studies conducted by Tobacco Free Nebraska in 2000 and 2003 show that Nebraskans are increasingly aware of the health risks associated with secondhand tobacco smoke and willing to support restrictions on smoking in public places, such as restaurants.

Background

In 2000, the Nebraska State Legislature appropriated \$21 million over the course of three years for tobacco prevention (LB1436). The funds and future programs were managed within state's Health and Human Services System by the Tobacco Free Nebraska program (TFN). *With the additional funding from LB1436, TFN established a comprehensive statewide tobacco control program that the Centers for Disease Control considers a model for other states.*¹

To obtain baseline measures of Nebraskans' tobacco behaviors and attitudes, TFN administered the Social Climate Survey (SCS) in 2000. Now, near the end of the funding commitment established by LB1436, TFN has administered a follow-up survey to gauge the success of its programs. The 2003 Adult Tobacco Survey/Social Climate Survey (2003 ATS/SCS) repeated many of the earlier measures and now serves as an essential evaluation tool for TFN. Additionally, the two surveys demonstrate trends in Nebraskans' tobacco behaviors and attitudes that can guide future public policy decision making.

Data

The 2000 SCS and 2003 ATS/SCS are statewide telephone surveys that contacted potential respondents using random digit dialing techniques. Random digit dialing

means that the numbers called are not generated from a list (e.g., a phone book). This procedure ensures that all Nebraska households with a home phone have an equal chance to be called for participation in the study, including those with unlisted numbers.

Each survey includes large sample sizes. The 2000 SCS has 2,476 respondents, and the 2003 ATS/SCS has 7,019.

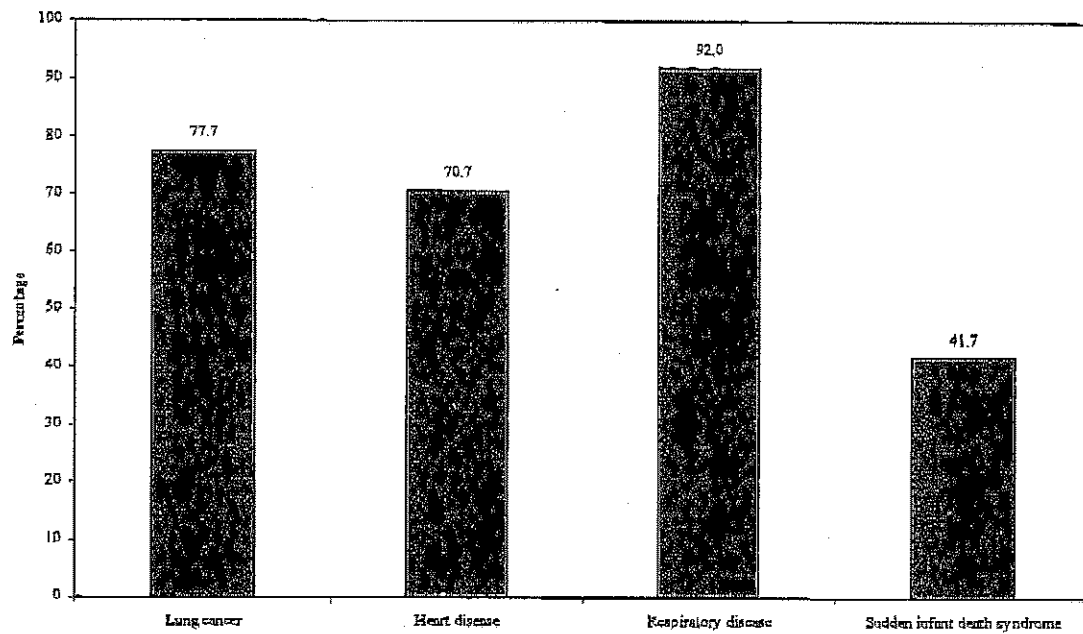
Results

Beliefs about the health risks of secondhand smoke

When asked if inhaling smoke from a parent's cigarette harms babies and children, 90.9% agreed in 2000 and 94.1% agreed in 2003.² *There is clearly little doubt among Nebraskans that secondhand smoke is unhealthy.*

The 2003 ATS/SCS included a series of questions about specific health risks associated with secondhand smoke that were not on the 2000 SCS.³ A large majority of Nebraskans agreed that exposure to secondhand smoke is associated with lung cancer (77.7%), heart disease (70.7%), and respiratory disease (92.0%). However, less than half of the respondents (41.7%) were aware that secondhand smoke is a risk factor for sudden infant death syndrome (SIDS).

Table 1. 2003 ATS - Percentage of Nebraskans who are aware that four illnesses are associated with secondhand smoke



Support for restrictions on smoking in public places

The 2000 SCS and 2003 ATS/SCS included questions regarding support for restrictions on smoking in public places. Respondents were asked if in the following places smoking should be allowed in all areas, some areas, or not at all: indoor shopping areas, convenience stores, fast food restaurants, restaurants, bars and taverns, indoor sporting events, and outdoor parks.

Nebraskans were most likely to say smoking should not be allowed at indoor sporting events in both 2000 and 2003 (81.6% and 87.2%), followed by convenience stores (80.5% and 84.7%). Nebraskans also support smoking restrictions in eating establishments. In 2003, 82.9% believed that fast-food restaurants should not allow smoking, up from 76.9% in 2000. Nearly two-thirds (65.0%) of Nebraskans agreed that restaurants should not allow smoking in 2003, while only 54.6% agreed in 2000.

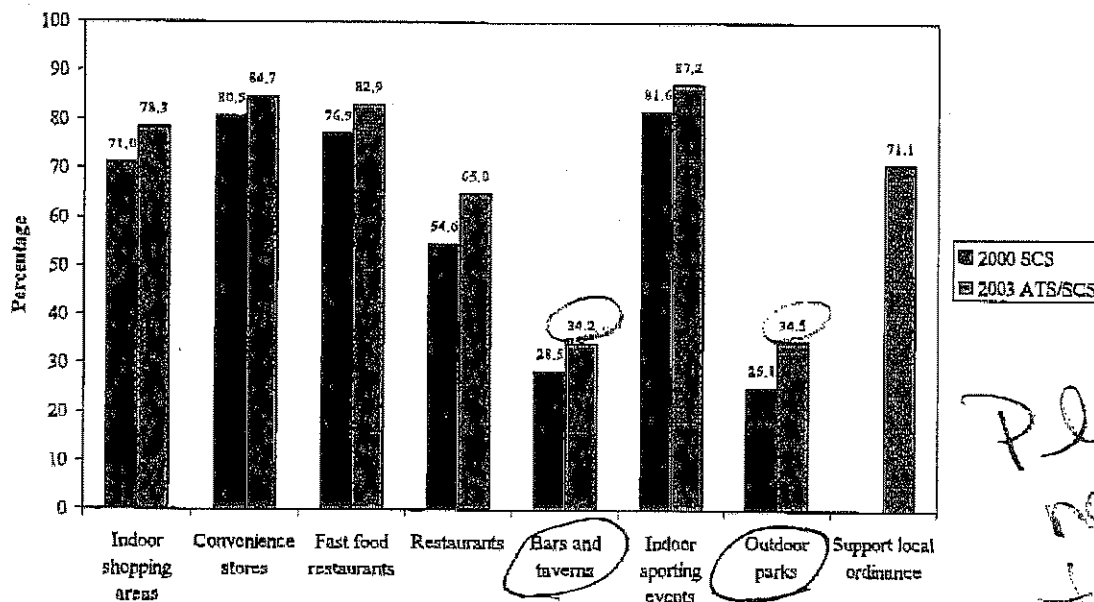
Nebraskans are least likely to support smoking bans at bars and taverns (28.5% and 34.2%) and outdoor parks (25.1% and 34.5%).

Perhaps more important than the levels of support for smoke-free public places is the trend in support levels. *Among each of the public areas, there was a statistically significant increase in support from 2000 to 2003.* In terms of the relative increase in support, the greatest increases are for restrictions in outdoor parks, and bars and taverns, up 37.5% and 20.0% respectively.

Support for local ordinance banning smoking in restaurants

Over the past few years, cities such as New York, Boston, Austin, and Lexington, Kentucky, have banned smoking entirely in all public establishments, including bars and restaurants. Currently, there are no cities or counties in Nebraska with comprehensive smoke-free ordinances for public places.

Table 2. Percent of Nebraskans who think that smoking should not be allowed in the following public areas



The 2003 ATS/SCS asked Nebraskans their opinions on this issue. The last column of table 2 shows that *more than seven out of ten Nebraskans (71.1%) said that they would support a local ordinance banning smoking in restaurants.*

Conclusions

2000 marked an important year for tobacco prevention in Nebraska. With a substantial investment by the state legislature, Tobacco Free Nebraska worked to inform the state's residents about the dangers of smoking and the health risks associated with exposure to secondhand smoke.

Evidence from the 2000 SCS and 2003 ATS/SCS suggests these efforts have been successful. Nebraskans are now more aware of the general health risks of secondhand smoke and more are knowledgeable about specific diseases linked to secondhand smoke.

In addition to greater awareness of the health risks of secondhand smoke, Nebraskans are increasingly supportive of smoke-free public places. It is not possible to say with certainty that the former caused the latter, but it is highly probable that, as Nebraskans become more aware of the health implications of secondhand smoke, they will become more supportive of public policies that ensure clean air.

¹ <http://www.cdc.gov/nccdphp/exemplary/tobacco.htm>

² The increase from 2000 to 2003 is statistically significant.

³ For more information about the health risks associated with exposure to secondhand smoke, please refer to the United States Environmental Protection Agency Web site (<http://www.epa.gov/smokefree/healthrisks.html>).

Prepared by the University of Nebraska at Lincoln, Bureau of Sociological Research, under subcontract to Abt Associates Inc., Cambridge, Massachusetts. July 2003.



Joan V Ray

08/25/2004 10:07 AM

To: "thejohnsonfamily" <shjohns@inebraska.com>
cc: <council@ci.lincoln.ne.us>, <pnewman@ci.lincoln.ne.us>
Subject: Re: 48th&O Project

Dear Mr. Johnson: Your message has been received in the Council Office and will be forwarded to the Council Members for their consideration. Thank you for your input on this issue.

Joan V. Ray
City Council Office
555 South 10th Street
Lincoln, NE - 68508
Phone: 402-441-6866
Fax: 402-441-6533
e-mail: jray@ci.lincoln.ne.us
"thejohnsonfamily" <shjohns@inebraska.com>



"thejohnsonfamily"
<shjohns@inebraska.c
om>

08/24/2004 07:28 PM

To: <council@ci.lincoln.ne.us>, <pnewman@ci.lincoln.ne.us>
cc:
Subject: 48th&O Project

August 24, 2004

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AUG 25 2004
CITY COUNCIL
OFFICE

To: Lincoln City Council

From: Stephen Johnson

240 South 50

Lincoln, NE 68510

Subject: VACANT LOT ADJACENT TO AND IMMEDIATELY NORTH OF 215 SOUTH 50 ZONED RESIDENTIAL.

Please accept this letter as my request that there be no change in the zoning of the vacant lot which is the subject of this letter. My further request is that the subject lot be used as a green zone within the newly designated blight area bounded by R, M, 48th and 52nd streets.

My feelings are that with a few trees planted and several park benches strategically placed the subject lot would fit nicely within our neighborhood. After an extensive clean up and with the improvements suggested the subject lot would change from our residential eyesore into something aesthetically pleasing. The suggestions offered could be done quite reasonably.

The subject lot at one time was and I assume still is owned by the Misle family or whatever LLC they now go by. There was an attempt at one time to change the zoning designation for the subject lot from residential to commercial. Our neighborhood attended a meeting at the Villager near 52nd and O where a presentation was made by a local engineering firm. We were told by the engineering firm what a nice addition a multi level parking lot owned by Misle Chevrolet would be in our residential neighborhood.

The immediate neighborhood located near the subject lot, at considerable expense, hired an attorney

to help us keep the designation of the subject lot zoned residential. We were successful in that effort.

Would you please consider my suggestions in any changes planned for the newly designated blight area and forward this letter to wherever those plans are being made.

Respectfully,

Stephen H. Johnson

240 South 50

Lincoln, Nebraska 68510



Joan V Ray

08/25/2004 10:02 AM

To: "Chambers, Jim" <Jlm.L.Chambers@rbcdain.com>

cc: <council@ci.lincoln.ne.us>

Subject: Re:

Dear Mr. Chambers: Your message has been received in the Council Office and will be forwarded to the Council Members for their consideration. Thank you for your input on this issue.

Joan V. Ray

City Council Office

555 South 10th Street

Lincoln, NE - 68508

Phone: 402-441-6866

Fax: 402-441-6533

e-mail: jray@ci.lincoln.ne.us

"Chambers, Jim" <Jlm.L.Chambers@rbcdain.com>

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AUG 25 2004
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"Chambers, Jim"

<Jlm.L.Chambers@rbcdain.com>

To: <council@ci.lincoln.ne.us>

cc:

Subject:

08/25/2004 09:38 AM

I couldn't help but think about the 48th. and O st. blight when I read this piece. jc

"Usually, politicians use 50-cent words to puff up two-bit ideas. When it comes to taking away people's land, they do the opposite. They use three phrases -- 'eminent domain,' 'economic development,' 'master plan' -- and they mean big money. A baseball stadium, or a strip mall, or a department store looks better -- to the politicians -- than whatever's already on a piece of property. So they take the property away and give it to someone else, whether the owner likes it or not. Eminent domain is supposed to let government do necessary things like build roads and run utility lines. Today, it's a way to beef up a town's tax base by replacing homes, small businesses -- even churches -- with high volume enterprises or gentrified housing. Take Elizabeth Fernando. She's lost three properties to the city of Indianapolis. First for an athletic facility. Then for a convention center. Now, they're taking her parking garage for -- get this -- parking! The city's restoring some 'historic' apartments next door, and wants a flat lot instead of a garage. Normandy, Missouri, pondered seizing a convent -- a convent! -- to put in a strip mall. Thankfully, a higher power intervened. Nearby St. Louis declared a building 'blighted' and seized it. Why? Because the owners refused to give its tenant, a department store, a new long-term lease...and the city fathers wanted that store to stay there. Eminent domain used to mean a necessary taking. These days, it just means political thievery."

--Paul Jacob

Jim Chambers

Senior Vice President-

Financial Consultant

RBC Dain Rauscher
6940 O Street, Suite 400
Lincoln, NE 68510
Phone: (402) 465-3806
Fax: (402) 465-3870
Toll Free: (800) 288-3246
jim.l.chambers@rbcdain.com

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Information received by or sent from this system is subject to review by supervisory personnel, is retained and may be produced to regulatory authorities or others with a legal right to the information.



**DO NOT REPLY to this-
InterLinc**
<none@lincoln.ne.gov>
>

To: General Council <council@lincoln.ne.gov>
cc:
Subject: InterLinc: Council Feedback

08/26/2004 08:49 AM

InterLinc: City Council Feedback for
General Council

Name: William R. Ross
Address: 4000 North 42nd Street
City: Lincoln, NE.68504-1216

Phone: 402-466-5856
Fax:
Email: cr94520@alltel.net

Comment or Question:
25 August 2004
City Of Lincoln, City Council Office, City Council Members

Dear Sir or Madam

I am writing this letter to voice my concerns about the development of the Andrea's Court Community Unit Plan . The Special Permit No. 04035 was met with strong opposition during the Lancaster Planning Commission meeting on 21 July 2004. This opposition was voiced by a signed letter by 104 members of the S.A.N.A. (Sunset Acres Neighborhood Association). I believe that the questions raised by those in opposition have not been adequately considered or answered appropriately by County / City Government. My concerns are listed below in priority order.

First:

FLOODING:

Lincoln Watershed Management Mission Statement says

"To provide leadership and guidance in watershed management for the City of Lincoln, by utilizing new technology and ecologically-based engineering practices. It is our purpose to encourage sustainable growth by upholding responsible standards that maximize safety, minimize flood damage and conserve natural resources. We value education and proactive management principals to ensure quality of life for future generations."

I currently reside at 4000 North 42 and the west half of my property is in the 100 year flood plain. This neighborhood has had near flooding conditions several times in the past years. If this developer fills this housing area to the minimum of 1 foot above the existing floodplain. for construction I agree with what Jon Carlson Vice Chair of the Planning Commission said during the Planning Commission hearing:

"Townhouses will be protected but this is a classic example of "where does that water go?" You have a flooding situation for the surrounding property owners because there is no requirement that this development do anything to not flood out their neighbors."

Devin Biesecker also spoke during the hearing and stated he was not sure if flood gates on Turner Ditch were even considered during the study of the developemenet and was not sure how far the water would back up if the flood gates were closed. I feel that Green Development Corp. should not allowed to fill any areas of this 9.4 acre plot until a permit is issued from the Army Corps of Engineers. I also believe the fill/grading of this development is not minimizing potential future flood damage to my property as well as the other properties in the S.A.N.A. This is also in direct conflict with the

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above mission statement of the Lincoln Watershed Management. How can I be sure this development will not increase the likelihood of flooding on my property?

Second:

TRAFFIC:

I have raised a family on North 42nd Street and have had the luxury of only having local traffic on our street as it has a cross street (Colfax Ave) on the south end and a culdesac (42nd Street Circle) on the north end.. The quiet neighborhood and the reduced traffic were two decision making benefits when I purchased my property in the fall of 1986. Having to use 40th or 44th street for access to my residence has always been a challenge. The decision of which street to use for access has been magnified over the past few years by the increase in traffic on both of these streets accessing Superior and Cornhusker. We many times use Cornhusker Highway to go east to the 27th and Superior shopping area simply because access to westbound Superior from North 40th or 44th is too dangerous and the traffic is too fast for safe entry westbound.

On 1 March of 2004 I sent an inquiry to Public Works Dept of Lincoln asking if there was a plan for a stoplight at North 40th or 44th and Superior. I received an Email from Scott Opfer and it said:

"Mr. Ross,

To answer your first question. There are no plans to install a traffic signal at either 40th or 44th & Superior Streets. Both locations have been evaluated for traffic signal control. We determined that the introduction of a new signal at either of these locations would have an overall negative impact on traffic operations in the area. One of the pieces of criteria we look at is the Crash History. Both locations have only experienced an average of about 1 crash per year for the past 10 years. If signalized and based upon past history, we would expect that number to increase to about 7 crashes per year. Also, if a signal was installed at either of these locations, we would expect the traffic volumes to increase on 40th or 44th Streets, just because we would make it easier for people to access Superior. Both of these residential streets would be negatively impacted by that increased traffic volume."

During the 21 July 2004 Planning Commission hearing Chairman Mary F. Bills-Strand was hopeful the traffic signal issue would be studied again due to all the development at 27th and Superior as well as the North Star High School. How does the S.A.N.A. insure that our interests and safety are being considered in the installation of traffic control devices for access to Superior Street from North 40th or 44th Street?

I believe that traffic levels have increased dramatically in our neighborhood over the past two to five years. When looking at Public Works posted Traffic Average volumes for our area the most current data is 2 years old and outdated. There is reference to a study on Superior Street without any recent data posted. How can we (S.A.N.A.) be sure that our concerns about the increase in traffic volumes with this development are being heard and considered for the safety of our neighborhood?

In summary I personally am not opposed to the development of this specific area or property. However I do want to insure the traffic and safety issues have been properly studied and issues both pro and con, have been discussed and considered by city/county officials. I also am very concerned about future floodplain changes and or watershed management changes due to the displacement of flood waters by this development. Your consideration of the above information will be greatly appreciated. You may contact me with any answers/information reference the above mentioned issues and concerns. Thank You.

Sincerely

William R Ross
Cheryl A Ross
4000 North 42nd St
Lincoln, Ne. 68504-1216
402-466-5856

**ADDENDUM
TO
DIRECTORS' AGENDA
MONDAY, AUGUST 30, 2004**

I. MAYOR - NONE

II. CITY CLERK - NONE

III. CORRESPONDENCE

A. COUNCIL REQUESTS/CORRESPONDENCE - NONE

B. DIRECTORS AND DEPARTMENT HEADS - NONE

C. MISCELLANEOUS

1. Report & Material from Terry Bundy, LES - RE: Lincoln Electric System's (LES) Proposed Rates Schedules, Service Regulations and 2004 Cost Analysis Summary - For Rates Effective October 1, 2004 - (**NOTE:** Pre-Council Meeting scheduled to discuss this issue on Monday, Sept. 20th) (Council received their copies of this Report & Material on 8/30/04)(Copy of Report & Material on file in the City Council Office)
2. Letter & Material from Frank Landis, State of Nebraska, Public Service Commission - RE: Application No. PSAP-036 - In the Matter of the City of Lincoln, Lancaster County seeking funding approval for costs associated with Wireless E911 implementation - (See Material)



L I N C O L N E L E C T R I C S Y S T E M

August 27, 2004

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AUG 27 2004
CITY COUNCIL
OFFICE

Mr. Terry Werner, Chair
Lincoln City Council
555 South 10th Street
Room 111
Lincoln, Nebraska 68508

Dear Chair Werner:

Enclosed for Lincoln City Council's consideration and approval is the Lincoln Electric System's (LES) "Rate Schedules, Service Regulations and 2004 Cost Analysis Summary, for Rates Effective on October 1, 2004 and October 1, 2005". The LES Administrative Board unanimously approved the enclosed rates and associated implementation timeline on August 20, 2004 and now recommends City Council approval.

In 2001, LES identified the need for a rate increase in fiscal year 2005 effective for billings beginning January 1. Due to market pressures in the external cost of energy production and cost of added generating and transmission facilities to serve the current and future Lincoln energy needs, our latest projections show a need for a 6% increase in 2005.

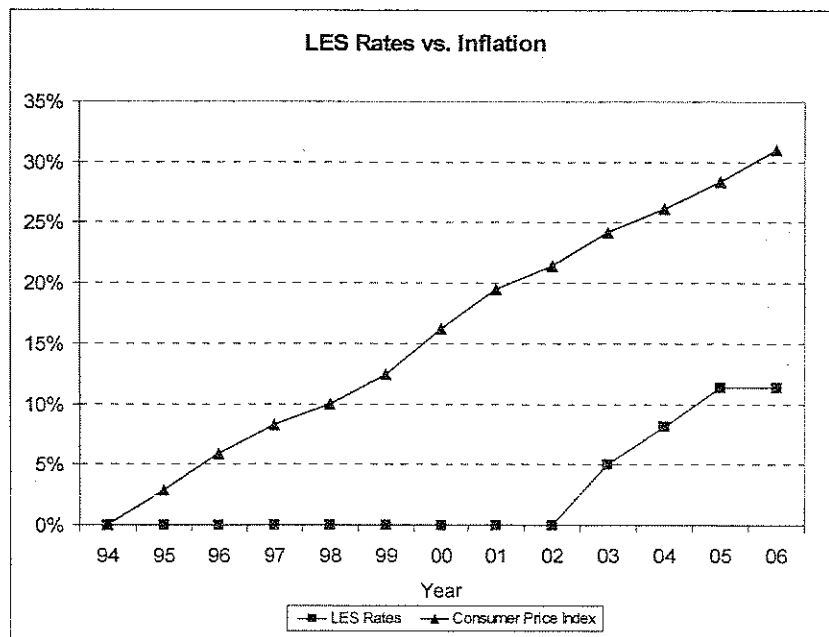
Annually, LES staff develops and reviews the cost analysis for the electric system. In this analysis, staff reviews the costs allocated to each class of customer (residential, commercial, large commercial and industrial). The LES rate design is based on the development of revenues (rates) that cover the specific cost associated with or allocated to the specific service needs of the rate class. The proposed increase of 6% is a system-wide average, meaning some class of customers will receive adjustments that are slightly higher or lower than the system average.

The current proposal is for a system-average 6% increase for the system. The LES proposal is unique this year in that we are requesting the increase to be implemented in two separate adjustments over a two year period equaling 6%. The recommendation is to implement the first step increase of 3% on October 1, 2004 and the second step on October 1, 2005. In discussions with our customers, many

have stated that smaller increases, albeit more frequent, are better than a larger one time increase. We have listened to our customers and are recommending this style of implementation for their benefit. The average residential customer's electric bill would go up about \$1.32 per month after the first step and up another \$1.35 per month after the second step. Through bill stuffers and newspaper advertisements we notified customers of an evening hearing to receive public input on the rate proposal; however, no customers attended the hearing.

In light of the mild weather and other resource challenges that LES has faced this year, our financial advisor recommended implementing the rate changes steps three months early. The LES Administrative Board adopted that recommendation as part of their approval.

LES rate adjustments have been few and minimal in effect within our community over the years. As compared to the consumer price index (CPI), LES management continues to achieve the goal of maintaining the rate growth well below the growth in CPI, preserving the positive value of the real price of electricity in Lincoln's economy. As compared to other electric providers, LES' rates rank as the least costly in the region and in the top 10 least costly in the country, a fact that the employees of LES continue to be proud of.

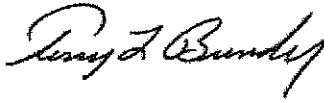


Mr. Terry Werner
August 27, 2004
Page 3

This item will be introduced on first reading September 13, 2004. LES has requested a pre-Council session to discuss this recommendation with you in greater detail on Monday, September 20, 2004. A public hearing on the rate increase will also be scheduled as part of the regular City Council meeting that day. We have requested Council consideration and approval of the resolution on September 20, 2004 to accommodate an October 1st implementation.

If you have any questions prior to the pre-Council session, please contact me.

Sincerely,



Terry L. Bundy, P.E.
Administrator and CEO

E-mail:
tbundy@les.com

Phone #:
(402)473-3392

FAX:
(402)475-9759

TLB:cls

c: Mayor Coleen Seng
City Council
Joan Ross, City Clerk

Dana Roper, City Attorney
Donald Herz, City Finance Director

Enclosure

RECEIVED
AUG 27 2004
CITY COUNCIL
OFFICE

RESOLUTION NO. A-_____

1 WHEREAS, rate schedules and service regulations for the use and services of Lincoln
2 Electric System of the City of Lincoln, including the electric energy sold, furnished or supplied by
3 said City of Lincoln, Nebraska, have been established by resolution from time to time, the last one
4 being Resolution No. A-75770, adopted by the City Council on October 8, 1993 and approved by
5 the Mayor on October 26, 1993; and

6 WHEREAS, the Administrative Board of the Lincoln Electric System has
7 recommended to the City Council of the City of Lincoln, Nebraska, that the document entitled,
8 “2004 Rate Schedules, Service Regulations and Cost Analysis Summary”, which is attached hereto
9 and fully incorporated herein, be adopted for the use of Lincoln Electric System and the provision
10 of services to ratepayers in the service area of Lincoln Electric System; and

11 WHEREAS, the rate recommendation demonstrating the justification for a system
12 average increase of 6.0% to be implemented in two steps consisting of a system average 3 percent
13 rate increase effective October 1, 2004, and a second system average 3 percent rate increase effective
14 October 1, 2005 has been approved by the Lincoln Electric System Administrative Board at its
15 regular Board meeting of August 20, 2004, and is consistent with the City of Lincoln's Bond
16 Ordinance for Lincoln Electric System regarding rates; and

17 WHEREAS, it is evident to the City Council of the City of Lincoln, Nebraska, that
18 the justification for said rates and charges has been demonstrated and therefore said rates should be
19 adopted.

1 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,
2 Nebraska:

3 That effective October 1, 2004, the attached "2004 Rate Schedules, Service
4 Regulations and Cost Analysis Summary", for the use of Lincoln Electric System and the provision
5 of services to ratepayers in the service area of Lincoln Electric System is hereby established and
6 adopted; and

7 BE IT FURTHER RESOLVED that Resolution No. A-81770, adopted on October 21,
8 2002, is hereby superseded by this Resolution effective October 1, 2004.

Introduced by:

Approved as to Form & Legality:

Staff Review Completed:

Proposed

**Rate Schedules,
Service Regulations
and
2004 Cost Analysis
Summary**

**For Rates Effective
October 1, 2004**

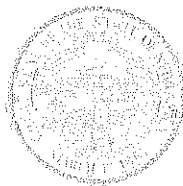
RECEIVED

AUG 30 2004

CITY COUNCIL
OFFICE

-LES

**Copy of this Report on file in the City
Council Office. J.G.*



State of Nebraska
Public Service Commission

300 THE ATRIUM, 1200 N STREET
LINCOLN 68508

FRANK E. LANDIS
COMMISSIONER

PHONE
(402) 471-3101

RECEIVED
AUG 30 2004
CITY COUNCIL
OFFICE

August 27, 2004

Chairman Terry Werner
Lincoln City Council
555 South 10th Street
Lincoln, NE 68508

RE: Application No. PSAP-036 In the Matter of the City of Lincoln, Lancaster County,
seeking funding approval for costs associated with Wireless E911 implementation

Dear Chairman Werner:

The Lincoln Emergency Communications Center filed an application with the Public Service Commission on May 18, 2004, seeking funding from the Enhanced Wireless 911 Fund for expenses for implementing and providing enhanced wireless 911 service.

I'm pleased to inform you that at our last meeting, the Commission approved your E911 application in the amount of \$286,749.00. If you have any questions, please feel free to contact the Wireless E911 Director, Kara Thielen, at 402-471-0220 or myself at 402-471-3130.

Yours truly,

Frank Landis
Commissioner

FEL:jr

Application No. PSAP-036

PAGE 3

MADE AND ENTERED at Lincoln, Nebraska this 24th day of August, 2004

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Lowell J. Hansen
Anne C. Boyle

Chair

Gerald L. Vap

ATTEST:

And J. Pollack

Executive Director

Frank E. Landis

//s// Frank E. Landis

//s// Gerald L. Vap

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

RECEIVED
AUG 30 2004
CITY COUNCIL
OFFICE

In the Matter of City of) Application No. PSAP-036
Lincoln, Lancaster County,)
seeking funding approval for) GRANTED
costs associated with Wireless)
E911 implementation.) Entered: August 24, 2004

BY THE COMMISSION:

By written request for funding filed May 18, 2004 Lincoln Emergency Communications Center (LECC), Lancaster County seeks funding from the Enhanced Wireless 911 Fund for expenses for implementing and providing enhanced wireless 911 service.

In the present application, LECC seeks nonrecurring costs in the amount of \$286,749.00 for additional equipment necessary to implement and provide wireless E-911 for the City of Lincoln and Lancaster County. Because of additional incoming calls from wireless phones, LECC needs to upgrade its 911 system to adequately respond to all incoming 911 calls.

LECC will add additional trunks to support wireless incoming calls and a dedicated wireless trunk group to ensure that calls from wireless phones do not prevent calls from wireline phones from reaching LECC public safety answering point (PSAP). Addition of the dedicated wireless trunk group necessitated an upgrade to current customer premise equipment to support the increased number of lines.

O P I N I O N A N D F I N D I N G S

This request for funding is being processed pursuant to Neb. Rev. Stat. §§ 86-442 to 86-469 (2002 Supp.), 291 Neb. Admin. Code, Chapter 1, Section 5, and Progression Order No. 5 in Commission Docket No. 911-001, entered July 16, 2002.

Costs requested are eligible under Neb. Rev. Stat. § 86-465 (2002 Supp.) All costs have been incurred or will be incurred for the purchase, installation, maintenance and operation of telecommunications equipment and telecommunications services required for the provision of wireless E-911.

The Commission finds that LECC requires the proposed upgrades to provide the appropriate network support for calls made from both wireless and wireline phones. The upgrades may provide an incidental benefit to LECC operations serving wireline phones; however, the upgrades are required solely due

Application No. PSAP-036

PAGE 2

to the impact of increased wireless traffic on LECC existing infrastructure and operations. Competition between wireline and wireless traffic for responses from the PSAP creates significant concerns for public safety as well as potential liability. A dedicated wireless trunk group alleviates these concerns, and is necessary to process the high volume of calls that LECC PSAP receives.

The Commission finds that upon invoice following completion of the proposed upgrades, it should directly remit payment to Alltel LEC.

Based upon the request for funding and supporting documentation, the Commission is of the opinion and finds that the request for funding should be granted.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that LECC request for funding shall be granted.

IT IS FURTHER ORDERED that upon invoice, the Commission shall remit to LECC amounts that comport with this order.